



RECEIVED
CENTRAL FAX CENTER

OCT 14 2005

FOLEY & LARDNER LLP
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEY.COM

FACSIMILE TRANSMISSION

Total # of Pages 45 (including this page)

TO:	PHONE #:	FAX #:
Examiner S. Haq, Group Art Unit U.S. Patent and Trademark Office	(571) 272-6103	(571) 273-6103 and (571) 273-8300

From :	Stephen E. Reiter <i>SR</i>
Email Address :	sreiter@foley.com
Sender's Direct Dial :	858.847.6711
Date :	October 14, 2005
Client/Matter No :	063391-0202
User ID No :	1877

MESSAGE:

Re: U.S. Patent Application No. 10/049,164

Following are:

- 1) Transmittal (3 pgs.)
- 2) Supplemental Communication and Affidavit Under 37 CFR 1.131 (41 pgs.)

If there are any problems with this transmission or if you have not
received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Mercedes F. "Ched" Dipasupil
-----------	------------	---

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Cover Page 1 of 1

FOLEY & LARDNER LLP

DLMR_276369.1

OCT 14 2005

Atty. Dkt. No. 063391-0202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Patricelli

Title: ACTIVITY BASED PROBE
ANALYSIS

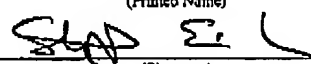
Appl. No.: 10/049,164

Filing Date: 10/21/2002

Examiner: S. Haq

Art Unit: 1641

Conf. No. 6075

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Stephen E. Reiter (Printed Name)	
 (Signature)	
October 14, 2005 (Date of Deposit)	

TRANSMITTAL

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Supplemental Communication in the above-identified application.

[X] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[X] Executed Affidavit Under 37 CFR 1.132 is enclosed.

[X] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	21	-	36	=	0	x	\$50.00	=	\$0.00
Independent Claims:	2	-	5	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:							+	\$360.00	= \$0.00
CLAIMS FEE TOTAL									= \$0.00

DLMR_276410.1

In re application of
 Matthew Patricelli
 Application No.: 10/049,164
 Page 2 of 3

Atty. Dkt. No. 063391-0202

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$0.00

- ☐ Please charge Deposit Account No. 50-0872 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

- ☐ A check in the amount of \$0.00 is enclosed.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

DLMR_276410.1

In re application of
Matthew Patricelli
Application No.: 10/049,164
Page 3 of 3

Atty. Dkt. No. 063391-0202

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 10/14/05

By Stephen E. Reiter

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

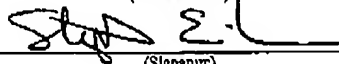
Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

OCT 14 2005

Atty. Dkt. No. 063391-0202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Patricelli
Title: ACTIVITY BASED PROBE
ANALYSIS
Appl. No.: 10/049,164
Filing Date: 10/21/2002
Examiner: S. Haq
Art Unit: 1641
Conf. No. 6075

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Stephen E. Reiter (Printed Name)  (Signature) October 14, 2005 (Date of Deposit)
--

SUPPLEMENTAL COMMUNICATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In further response to the Non-Final Office Action dated May 3, 2005, and in view of the telephone conference dated October 6, 2005, please consider the following amendments and remarks.

Listing of Claims begins on page 2 of this communication.

Remarks begin on page 8 of this communication.

DLMR_276199.1